

ELECTRONIC FLASH COLOUR-CHANGING SPORT SHOES

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Inventor: CAI GE (CN)
Applicant: SHANGHAI SPORT SHOES GENERAL F (CN)
Classification:
- **International:** A43B5/00; A43B5/00; (IPC1-7): A43B5/00
- **European:**
Application number: CN19912015470U 19910517
Priority number(s): CN19912015470U 19910517

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THE PATENT OFFICE OF THE PEOPLE'S REPUBLIC OF CHINA

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Applicant:	FISCHER GESELLSCHAFT M.B.H.	Date of Notification: Date: <u>27</u> Month: <u>07</u> Year: <u>2007</u>
Attorney:	XIE ZHIGANG	
Application No.:	03824807.7	
Title of the Invention:	ITEM OF FOOTWEAR, PARTICULARLY AN ITEM OF SPORTS FOOTWEAR	

Notification of the First Office Action (PCT Application in the National Phase)

- ☒ The applicant requested examination as to substance and examination has been carried out on the above-identified patent application for invention under Article 35(1) of the Patent Law of the People's Republic of China (hereinafter referred to as "the Patent Law").
☐ The Chinese Patent Office has decided to examine the application on its own initiative under Article 35(2) of the Patent Law.
- ☒ The applicant claimed priority/priorities based on the application(s):
 filed in AT on Nov. 5, 2002, filed in _____ on _____,
 filed in _____ on _____, filed in _____ on _____.
- ☐ The following amendments submitted by the applicant are not acceptable under Art. 33 of the Patent Law:
 - ☐ The Chinese translation of the amendments annexed to the IPEA Report.
 - ☐ The Chinese translation of the amendments made under Art. 19 of PCT.
 - ☐ The amendments made under Art. 28 or Art. 41 of PCT.
 - ☐ The amendments made under Rule 51 of the Implementing Regulations of the Patent Law.

Specific reasons why the amendments are not acceptable are set forth in the text portion of this Notification.
- ☐ Examination was directed to the Chinese translation of the International Application as originally filed.
☒ Examination was directed to the application documents as specified below:
 - ☒ Description ☒ Pages 1-5 of the Chinese translation of the International Application as originally filed.
 - ☐ Pages _____ of the Chinese translation of the amendments annexed to the IPEA Report.
 - ☐ Pages _____ of the amendments made under Art. 28 or Art. 41 of PCT.
 - ☐ Pages _____ of the amendments made under Rule 51 of the Implementing Regulations of the Patent Law.
 - ☒ Claims ☐ The Chinese translation of claims _____ of the International Application as originally filed.
 - ☐ The Chinese translation of claims _____ of the amendments made under Art. 19 of PCT.
 - ☒ The Chinese translation of claims 1-11 of the amendments annexed to the IPEA Report.
 - ☐ The Chinese translation of claims _____ of the amendments made under Art. 28 or Art. 41 of PCT.
 - ☐ The amendments of the claims _____ made under Rule 51 of the Implementing Regulations of the Patent Law.
 - ☒ Drawings ☒ Pages 1-9 of the Chinese translation of the International Application as originally filed.
 - ☐ Pages _____ of the Chinese translation of the amendments annexed to the IPEA Report.
 - ☐ Pages _____ of the amendments made under Art. 28 or Art. 41 of PCT.
 - ☐ Pages _____ of the amendments made under Rule 51 of the Implementing Regulations of the Patent Law.
- ☒ Below is/are the reference(s) cited in this Office Action (the reference number(s) will be used throughout the examination procedure):

No.	Number(s) or Title(s) of Reference(s)	Date of Publication (or the filing date of conflicting application)
1	CN2094234U	Date: <u>29</u> Month: <u>1</u> Year: <u>1992</u>
2	EP1060681A2	Date: <u>20</u> Month: <u>12</u> Year: <u>2000</u>
3	US4133118A	Date: <u>9</u> Month: <u>1</u> Year: <u>1979</u>
4		Date: <u> </u> Month: <u> </u> Year: <u> </u>
5		Date: <u> </u> Month: <u> </u> Year: <u> </u>

6. Conclusions of the Action:

☒ On the Specification:

- ☐ The subject matter contained in the application is not patentable under Article 5 of the Patent Law.
- ☐ The description does not comply with Article 26 paragraph 3 of the Patent Law.
- ☒ The draft of the description does not comply with Rule 18 of the Implementing Regulations.

☒ On the Claims:

- ☐ Claim(s) is/are not patentable under Article 25 of the Patent Law.
- ☐ Claim(s) does/do not comply with the definition of inventions prescribed by Rule 2 paragraph 1 of the Implementing Regulations.
- ☐ Claim(s) does/do not possess the novelty as required by Article 22 paragraph 2 of the Patent Law.
- ☒ Claim(s) 1, 4-7, 9 does/do not possess the inventiveness as required by Article 22 paragraph 3 of the Patent Law.
- ☐ Claim(s) does/do not possess the practical applicability as required by Article 22 paragraph 4 of the Patent Law.
- ☐ Claim(s) does/do not comply with Article 26 paragraph 4 of the Patent Law.
- ☐ Claim(s) does/do not comply with Article 31 paragraph 1 of the Patent Law.
- ☒ Claim(s) 8-10 does/do not comply with the provisions of Rule 20 of the Implementing Regulations.
- ☒ Claim(s) 3-4, 6, 8-11 does/do not comply with the provisions of Rule 23 of the Implementing Regulations.
- ☐ Claim(s) does/do not comply with Article 9 of the Patent Law.
- ☐ Claim(s) does/do not comply with the provisions of Rule 12 paragraph 1 of the Implementing Regulations.

The explanations to the above conclusions are set forth in the text portion of this Notification.

7. In view of the conclusions set forth above, the Examiner is of the opinion that:

- ☐ The applicant should make amendments as directed in the text portion of the Notification.
- ☒ The applicant should expound in the response reasons why the application is patentable and make amendments to the application where there are deficiencies as pointed out in the text portion of the Notification, otherwise, the application will not be allowed.
- ☐ The application contains no allowable invention, and therefore, if the applicant fails to submit sufficient reasons to prove that the application does have merits, it will be rejected.
- ☐

8. The followings should be taken into consideration by the applicant in making the response:

- (1) Under Article 37 of the Patent Law, the applicant should respond to the office action within 4 months counting from the date of receipt of the Notification. If, without any justified reason, the time limit is not met, the application shall be deemed to have been withdrawn.
- (2) Any amendments to the application should be in conformity with the provisions of Article 33 of the Patent Law. Substitution pages should be in duplicate and the format of the substitution should be in conformity with the relevant provision contained in "The Examination Guidelines".
- (3) The response to the Notification and/or revision of the application should be mailed to or handed over to the "Reception Division" of the Patent Office, and documents not mailed or handed over to the Reception Divisions have no legal effect.
- (4) Without an appointment, the applicant and/or his agent shall not interview with the Examiner in the Patent Office.

9. This Notification contains a text portion of 3 pages and the following attachments:

- ☒ 3 cited reference(s), totaling 16 pages. ☐

Examination Dept. 5 Examiner: Liu Hongmei Seal of the Examination Department

Text Portion of Notification of the First Office Action

The present application relates to an item of footwear, particularly an item of sports footwear. Upon examination, the concrete comments are provided as follows:

1. Claim 1 doesn't possess the inventiveness as required by Article 22(3) of the Patent Law.

Reference 1 (CN2094234U: hereinafter referred to as D1) discloses a sport shoe, and particularly reveals the following technical features, "the sport shoe is assembled of several components and includes an upper, a front cap and a rear cap as well as a sole part, wherein the sole part comprises a middle sole 5, said several components being interconnected, and the front and the rear caps are each designed as dimensional preformed part", (Fig.1). The claim 1 differs from the D1 only by the feature "the middle sole is a wedge-shaped middle sole having a preformed foot-bed". However, this distinguishing technical feature belongs to a general technical knowledge, namely, in order for meeting ergonomic and comfortable need, for one skilled in the art, it is a usual technical means to design the middle sole as a wedge-shaped middle sole having a preformed foot bed. Thus, for one skilled in the art, it is obvious to achieve the technical solution as claimed by claim 1 by means of combining the D1 and the general knowledge. Therefore, the technical solution of claim 1 neither has the prominent substantive features nor represents the notable progress, namely the claim 1 lacks the inventiveness.

2. Claims 4-7 don't possess the inventiveness as required by Article 22(3) of the Patent Law.

The dependent claims 4-7 directly or indirectly depend on the claim 1, and the additional technical features thereof are already revealed in reference 2 (EP1060681A2: hereinafter referred to as D2; see Fig.2), and they function similarly in the D2 as in this invention, both are to make comfortable the feet of person who wears the shoes, that is, the D2 has given the technical indication to apply the features to the technical solutions defined by the cited claims for further settlement its technical problem. Thus it can be seen that for one skilled in the art, it is obvious to achieve the technical solutions defined by the claims 4-7 by means of combining the claim 1 and D2. Thus, as the claim 1 cited thereby lacks the inventiveness, the dependent claims 4-7 lack the inventiveness either.

3. Claim 9 doesn't possess the inventiveness as required by Article 22(3) of the Patent Law.

The dependent claim 9 directly or indirectly depend on the claim 1, and the additional technical feature thereof is already revealed in reference 3 (US4133118A: hereinafter referred to as D3; see Figs.3, 6), and it functions similarly in the D3 as in this invention, both are used for prevention of slipperiness of outer sole

and for facilitation of connection to the upper, that is, the D3 has given the technical indication to apply the feature to the technical solutions defined by the cited claims for further settlement its technical problem. Thus it can be seen that for one skilled in the art, it is obvious to achieve the technical solution defined by the claim 9 by means of combining the claims 1, 4-7 and D3. Thus, as the claims cited thereby lack the inventiveness, the dependent claim 9 lacks the inventiveness either.

4. Claim 1 doesn't satisfy the provisions of Rule 20(1) of the Implementation Regulations.

The claim 1 contains such wording as "insbesondere ...", "wie ...", "vorzugsweise ...", which results in definition of various protection scopes in one claim or uncertainty of protection scope of this claim, and thus the claim 1 doesn't satisfy the provisions of Rule 20(1) of the Implementation Regulations. The applicant shall delete the wording or redraft it in other expression manner. For the latter, please note that the expression manner must be mentioned in the original application documents.

5. Under Rule 23(2) of the Implementation Regulations: *a multiple dependent claim may cite the preceding claims in the alternative only*, that is, in expression manner of "or" or other synonymous expression manner. The present dependencies of claims 3-4, 6, 8-11 don't satisfy the provisions of Rule 23(2) of the Implementation Regulations, and thus shall be changed accordingly.
6. Claim 8 contains a reference to drawings "(Fig.3)", which doesn't satisfy the provisions of Rule 20(3) of the Implementation Regulations. The applicant shall make amendment to this claim 8.
7. Claim 9 doesn't satisfy the provisions of Rule 20(1) of the Implementation Regulations.

The claim 9 contains such wording as "allenfalls ...", "vorzugsweise ...", which results in definition of various protection scopes in one claim or uncertainty of protection scope of this claim, and thus the claim 9 doesn't satisfy the provisions of Rule 20(1) of the Implementation Regulations. The applicant shall delete the wording or redraft it in other expression manner. For the latter, please note that the expression manner must be mentioned in the original application documents.

8. Claim 10 doesn't satisfy the provisions of Rule 20(1) of the Implementation Regulations.

The claim 10 contains such wording as "wie etwa ...", which results in definition of various protection scopes in one claim or uncertainty of protection scope of this claim, and thus the claim 10 doesn't satisfy the provisions of Rule 20(1) of

the Implementation Regulations. The applicant shall delete the wording or redraft it in other expression manner. For the latter, please note that the expression manner must be mentioned in the original application documents.

9. In the description of this application appear sentences citing claim(s), which doesn't satisfy the provisions of Rule 18(3) of the Implementation Regulations. The applicant shall amend the description, writing particularly technical contents into corresponding places.

For above reasons, this application can't be allowed on the basis of the present text. If the applicant amends the application document in accordance with the opinions of examination suggested in this notification so as to overcome existent defects, and then the present application is likely to be granted. The applicant should note that the amendments to the application document might not go beyond the scope of the disclosure contained in the original description and claims under Article 33 of the Chinese Patent Law.

Examiner

For your convenience, we provide the English translation of the claim 1 of the publication of the Chinese utility model patent (CN2094234U:D1) as below:

Claim 1:

An electronic flashing and color-changing sport shoe, being consisted of an upper (7), a middle sole (5) and a bottom sole (20), wherein the bottom sole (20) adjoins the middle sole (5), and at a heel area of the middle sole (5) there is arranged a flat cavity, into which a air cushion (8) is inserted, characterized in that at one side of a concave area of the middle sole (5) there is arranged a circular hole open towards exterior, in which hole a battery (9) is placed; which battery is covered by a battery cover (3); and there are at least three grooves connecting the circular hole and the flat cavity, of which at least one groove is connected with two lead-through holes (8) of the middle sole (5); and that an electric bulb (12) is arranged in the flat cavity at side of the air cushion (8), and power supply conductors (10) of the bulb are connected to contact copper peels (11) through the grooves, and said contact copper peels are connected with negative/positive poles of the battery (9); and that in front of bulb head (13) there is arranged a colorized insert (15) in which a movable colorful plastic sheet (14) is integrated; and that in the flat cavity below the air cushion (8) there are arranged left and right aluminum foils (9); and that a middle sole window (6) is made in a position at each of two sides of the middle sole heel opposite to the aluminum foils (9) and an upper window (1) is made at each of two sides of the upper; and that there are arranged at least three bundles of light-guide fibers (2) under the air cushion (8); and the bundling heads (6) of the light-guide fibers are fixed in front of the colorized insert (15), the irradiating heads (4) of the left and right light-guide fibers are closely and thickly arranged in the left and right aluminum foils (9) in an offset relation and are fixed with transparent glue paper (17); and that the irradiating heads of the middle light-guide fibers extend along grooves through the left and right lead-through holes (18) of the middle sole, and then reach the left and right upper windows (1) along the left and right inner sides of the upper (7).

D1

(19) 中华人民共和国专利局

BIB公告号 CN 2094234U



(12) 实用新型专利申请说明书

[21] 申请号 91215470.5

[51] Int.Cl⁵

A43B 5/00

[43] 公告日 1992 年 1 月 29 日

[22] 申请日 91.5.17

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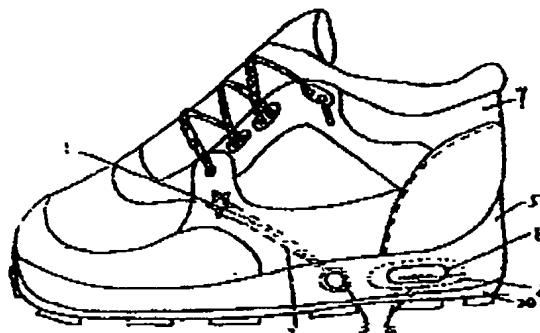
说明书页数: 3

附图页数: 2

[54] 实用新型名称 电子闪光变色运动鞋

[57] 摘要

一种电子闪光变色运动鞋,由鞋帮、中底层及下底层组成,中底层后跟部位有一个嵌有气垫的圆形孔,其内有一个由电池供电发光的电珠,珠头前置有会变色的彩色嵌件,并至少有三束光导纤维束头集于此,左右两束的发光头集于气垫下的两个中底窗口内的铝箔上,中间的光导纤维束通过引出孔向鞋帮两内侧面通至鞋帮窗口处,穿着者舌动时,从中底及鞋帮窗口处出现闪光变色的景象,本鞋成本低,制作方便,穿着舒服,特别适宜跳舞及打球时穿着。



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